

1 Dennis D. Miller (SBN 138669)
2 Eugene K. Chang (SBN 209568)
STEIN & LUBIN LLP
600 Montgomery Street, 14th Floor
3 San Francisco, CA 94111
Telephone: (415) 981-0550
4 Facsimile: (415) 981-4343
dmiller@steinlubin.com
5 echang@steinlubin.com

6 Attorneys for Defendants
7 DAVID J. KILLIAN, ANTHONY M. MAROTTA,
and ROSA COURT, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VINCENT KAMYAR VAGHAR.

Plaintiff,

v.

DAVID J. KILLIAN; ANTHONY M. MAROTTA; and ROSA COURT, LLC, a New Jersey limited liability company,

Defendants.

Case No. C 07 4083 MMC

**DECLARATION OF DENNIS D. MILLER
IN SUPPORT OF DEFENDANTS DAVID J.
KILLIAN, ANTHONY M. MAROTTA AND
ROSA COURT, LLC'S *EX PARTE*
APPLICATION TO CONTINUE HEARING
ON DEFENDANTS' MOTION TO
DISMISS SECOND AMENDED
COMPLAINT OF PLAINTIFF VINCENT
KAMYAR VAGHAR OR, IN THE
ALTERNATIVE, TO TRANSFER VENUE
[LOCAL RULE 7.7]**

Date: July 18, 2008
Time: 9:00 a.m.
Dept.: Courtroom 7
Judge: Honorable Maxine M. Chesney

I, Dennis D. Miller, hereby declare as follows:

1. I am an attorney duly licensed to practice before this Court and am a member of the law firm of Stein & Lubin LLP, counsel for defendants David J. Killian, Anthony M. Marotta, and Rosa Court, LLC (the “Defendants”) in the above-referenced action. If called upon to testify to the facts set forth herein, I could and would competently testify thereto as the

facts set forth herein are personally known by me to be true.

2. On July 14 and 16, I was advised by local counsel for the Defendants that they were in the final stages of settlement discussions with Plaintiff Vincent Kamyar Vaghar. I was advised that Vaghar and the Defendants were discussing final terms for a settlement of the above-referenced action.

3. On July 16, 2008, I spoke to Blake Williams, counsel for Vaghar in two separate conversations regarding the status of the parties' settlement negotiations and we discussed a potential stipulation to continue the hearing on Defendants' Motion to Dismiss the Second Amended Complaint of Plaintiff Vincent Kamyar Vaghar or, in the Alternative, to Transfer Venue (the "Motion"). Mr. Williams was unable to commit to such a stipulation as he had yet to receive authority from his client to sign such a stipulation. At approximately 12:30 p.m. on July 16, 2008, I advised Mr. Williams that Defendants would be filing their *ex parte* application to continue the hearing on the Motion. Mr. Williams did not express a position in favor of or against Defendants' application.

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

Dated: July 16, 2008

/s/ Dennis D. Miller
DENNIS D. MILLER, Declarant